FOR MYSORE STATE

I-27—40,000—27-10-48

Development (1948) Department.

SERIES.

G.O. No. Letter No.No.424

Dated [illegible] January 1948

[Despatch Abstract.]

LABOUR - I.L.O. Conference on Industrial Relations - 8th item on the agenda - [illegible] to be held at San Francisco in June 1948 - Opinion of.

GOVERNMENT OF INDIA
Ministry of Labour

No.L. C. 54 (8).

From

Rai Bahadur H. Khanna,
Deputy Secretary to the Government of India

To

The Secretary to the Government of Madras,
Public Works Department,
Madras

Dated New Delhi the 8th December 1947.

Sir,

Sub: Industrial Relations item VIII on the Agenda of the 31st Session of the International Labour Conference to be held at San Francisco in June 1948.

"Industrial Relations" is one of the subjects on the agenda of the 31st Session of the International Labour Conference to be held at San Francisco in June 1948. The International Labour Organisation has prepared a preliminary Report dealing with (a) Application of the Principles of the Right to Organise and to Bargain collectively (b) Collective Agreements (c) Concilliation and Arbitration (d) Co-operation between Public Authorities and Employer's and Workers Organisations. I am directed to forward herewith a copy of the report with the request that replies to the Questionnaires contained therein may be forwarded (in duplicate) so as to reach this Ministry by the 1st February 1948 as the consolidated reply of the Government of India is to reach the International Labour Organisation not later than the 1st March 1948.

As only a limited number of copies of the Report has been received from the International Labour Organisation, it has not been possible to send more copies at present. Two additional copies however will be supplied to the Provincial Government when more copies are received.

I have the honour to be,
Sir,
Your most obedient servant.
H. Khanna,
Dy. Secretary to Govt. of India.

---

p.t.o.

Government of Madras
Development Department

Letter Ms.No.434.

From

Sri

To

The Secretary to the Government of India,
Ministry of Labour,
NEW DELHI

Dated Fort St. George the 30th January 1948.

Sir,

Labour - I.L.O. - Questionnair on 'Industrial Relations - Eighth item on the agenda of the 31st session to be held at San Francisco in June 1948.

Rai Bahadur Khanna's letter No.L.C.54(8), dated 8th December 1947.

I am directed to forward herewith in duplicate the reply of the Government of Madras to the questionnaire sent with the letter cited above.

Your Obedient Servant,

Sd/ ** **

Questionnaire .....

Superintendent,
Madras Record Office.
23/7

Q U E S T I O N N A I R E.

APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY.

I Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should accept international regulations concerning the application of the principles of the right to organise and to bargain collectively, in the form of a Convention ? — Yes

II. Guarantee of Workers' Right to Organise

2. Do you consider that the international regulations should include provisions regarding the protection of the workers right to organise ?

3. If so, do you consider that the international regulations should prohibit all acts of anti union discrimination on the part of the employer or his agents through which --

   (a) the employment of a worker is made dependent on the condition that he shall not join a union or shall withdraw from one to which he alre belongs ?

   (b) a worker is prejudiced by reason of his membership of a union or his union activities ?

   (c) a worker is dismissed by reason of his membership of a union or his union activities ?

Items 2 and 3.(a)(b)(c) Yes.

III. Guarantee of the Rights of Workers' Organisations.

4. Do you consider that the international regulations should include provisions regarding the protection of the rights of workers' Organizations ?

Yes. The Govt. of India have enacted legislation regarding compulsory recognition of trade unions making provision for the prohibitic of unfair practice on the part of the employers.

5. If so, do you consider that international regulations should prohibit all acts on the part of the employers, employers' organisations or their agents, infringing the workers' right to organize by --
   (a) furthering the establishment of unions under the domination of employers ?
   (b) interfering in the establishment or conduct of a union or supporting it by financial or other means ?

Yes. It will be difficult to prove the guilt of the employer in furthering the establishment of unions under his domination or of support to such unions by financial or other means.

p.t.o.

IV. Guarantee of the Right to Organize of Employers and Third Parties.

6. Do you consider that international regulations should include provisions regarding the protection of the Right to organise of employers and third parties ?

Yes. The Indian Trade Unions Act protects the right of employers to organise. It seems desirable to protect the right of third parties also.

7. If so, do you consider that the international regulations should prohibit recourse to assault, intimidation and violence with the object of forcing an employer or a worker to join or not to join an organization of employers or workers ?

Yes.

8. V. Union Security Clauses.

8. Do you consider that the international regulations should include a provision to the effect that legislation - or a collective agreement concluded in connection confirmity with legislation - requiring membership in a given Union as a previous condition to engagement, or as a condition to maintenance in employment, is not incompatible with the provisions of the present regulations ?

It is not desirable to include a provision to the effect that legislation or collective agreement requiring membership in a particular union for purposes of recruitment and continuance in employment as it is likely to lead to friction between employers and workers' union especially where unions pass into the hands of reactionary men.

VI. Guarantee of the principle of Collective Bargaining

9. Do you consider that the international regulations should include a provision making it an obligation for employers or employers' organisations on the one hand, and for workers' organisations on the other, to give effect to the principles of union recognition and collective bargaining ?

Yes. Compulsory recognition of trade unions is already provided by legislation.

VII. Supervisory Measures.

10. Do you consider that the international regulations should specify the obligations should specify the obligation to establish appropriate machinery for the purpose of ensuring respect for the right to organize

Y e s.

VIII. Methods of Applying the International Regulations

11. Do you consider that no international regulations should state that effect may be given to the present convention:

(a) By means of legislation ?

(b) By means of agreements between the organisations of employers and workers ?

(c) By means of a combination of (a) and (b).

By means of legislation

12. In case of an affirmative reply to question 11(b) or (c), do you consider

Does not arise

that the following conditions should be fulfilled:

(a) The employers' and workers' organizations should recognise one another and undertake to provide effective guarantees for the exercise of the right of employers and workers to organise and to bargain collectively ?

(b) The employers' and workers' organizations parties to such agreement should include a substantial proportion to all employers and employed persons in the country concerned ?

13. Have you any proposal or suggestion to put forward on any point relating to the question of the application of the principles of the right to organise and to bargain collectively, which has not been mentioned in the present questionnaire ? — No.

PART II - COLLECTIVE AGREEMENTS.

I. Desirability and Form of International Regulations.

1. Do you consider that the international Labour Conference should adopt international regulations regarding collective agreement in the form of a Convention and one or several Recommendations ? — The international Labour Conference may adopt one or several recommendations regarding collective agreements.

2. If the reply to question 1. is in the affirmative, do you consider that the Conference should adopt : — All the points may be covered by recommendations.

(a) a Convention relating to the points covered by questions 4, 5 6 and 7 ?

(b) covered by questions 3, 8, 9 and 10 ?

II. Collective Bargaining Machinery

3. Do you consider that it should be provided in a Recommendation, that Govts. should establish appropriate machinery which would be available to assist the parties in the conclusion, revision and renewal of collective agreements ? — Yes.

III. Definition, Legal Effect and Extension of Collective Agreements.

A. Definition of Collective Agreements.

4. Do you consider that collective agreements might be defined as agreements regarding conditions of work concluded between an employer, a group of employers or an employers' organization on the one hand, and one or several organisations of workers on the other ?

B. Legal Effect of Collective Agreements.

5. Do you consider that the international regulations should provide that no sti- — Yes.

stipulations of a collective agreement are to be rendered applicable should be authorized to submit their observations and objections in advance ?

(c) Do you consider that the international regulations regarding the extension of collective agreements should take the form of a Convention or that of a Recommendation ?

The regulations may be in the form of a recommendation so that individual Govts. may adopt them to suit their conditions.

IV. Application of Collective Agreements

A. Interpretation of Collective Agreements.

8.(a) Do you consider that it should be provided in a recommendation that disputes arising out of the interpretations and applications of collective agreements should be submitted to a procedure for settlement agreed to by the parties and, if this breaks down, should be referred to an appropriate judicial procedure ?

Yes.

(b) If so do you consider that it should be provided in a recommendation that the parties should receive appropriate guarantees regarding the gratuitous character of the judicial procedure, of the judges, etc.

Yes.

B. Responsibility of the Partoes to Collective Agreements.

9.(a) Do you consider that there should be included in a Recommendation stipulations regarding the responsibility of the parties to collective agreements ?

Yes.

(b) If so, do you consider that it should be provided that the parties to collective agreements should undertake to determine their respective responsibility by agreement ?

Yes.

(c) Do you consider that, failing an appropriate determination by agreement, the responsibility of the parties to collective agreements should be determined by legislation ?

Yes.

(d) If so do you consider that, in such legislation, limits to the liability of the parties should be prescribed ?

Yes.

C. Supervision of Application of Collective Agreements.

10. Do you consider that it should be provided in a recommendation that the labour inspectors should be empowered to supervise the application of collective agreements in all the establishments covered thereby ?

Yes.

11. Have you any proposal or suggestion to put forward on any point regarding the question of collective agreements which has not been mentioned in the present questionnaire

Under the conditions obtaining in this Province**

** it is very difficult to secure collective agreements between organizations of workers and employers. So long as the workers are illiterate and not properly organised, outsiders who control the organisations of workers are likely to give trouble by.....

by attacking agreements entered into by rival unions. It will therefore be necessary to make detailed provisions by legislation for determining the conditions subject to which collective agreements will be enforced.

Part III.

Conciliation and Arbitration.

1. Desirability and Form of international Regulations.

1. Do you consider that the international Labour Conference should adopt international regulations concerning voluntary conciliation and arbitration in the form of a Recommendation ?

II. Voluntary Conciliation

2. Do you consider that it should be provided that regional and national conciliation authorities should be established to aid the parties in the prevention and settlement of collective industrial disputes ?

Yes. Under the industrial disputes Act, 1947, Conciliation Officers have been appointed for different areas in this Province.

3. Do you consider that it should be provided that the organizations of the employers and workers concerned in the disputes should be associated in all stages of the procedure ?

Y e s.

4. Do you consider that it should be provided that the conciliation procedure should be free of charge and expeditious, and that the periods prescribed for appearance of the parties, hearing of witnesses and submission of other evidence should therefore be fixed in advance and kept to a minimum ?

Yes; but in practice it will be very difficult to enforce completion of work within the periods prescribed at all stages of the procedure.

5. Do you consider that it should be provided that, once a dispute has been submitted to a conciliation authority with the consent of all the parties concerned, the latter should be required to abstain from strikes and lockouts while the conciliation is in process ?

Yes. Necessary provision has been made in the industrial disputes Act, 1947.

6. Do you consider that it should be provided that if the recommendation of a conciliation authority has been voluntarily accepted by the parties, it should be binding upon them.

Y e s.

7. Do you consider that it should be provided that agreements which the parties may reach during the procedure, and recommendations of the conciliation authorities freely accepted by the parties, should have been the same legal forces as collective agreements

Y e s.

agreements concluded in confirmity with national legislation.

III. Voluntary Arbitration.

8. Do you consider that it should be provided that a system of voluntary arbitration should be established, to which the parties might have recourse either at the outset or after breakdown of the conciliation procedure ? — Yes.

9. Do you consider that it should be provided that once a dispute has been submitted to arbitration with the consent of all the parties concerned, the latter should be required to accept the arbitration award ? — Yes.

10. Have you any proposal or suggestion to put forward on any point regarding the question of voluntary conciliation and arbitration which has not been mentioned in the present questionnaire ? — The parties very rarely voluntarily agree to submit any dispute to conciliation or arbitration. Provisions should therefore be made for Govt. conciliation machinery and for reference of disputes to adjudication where settlement by conciliation or arbitration is not possible.

PART IV.

Co-operation between public authorities and Employers' and Workers' Organizations.

Co-operation at the level of the undertaking.

I. Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation between employers and workers in the undertaking, in the form of a Convention or of a Recommendation ? — The regulations concerning co-operation between employers and workers in an undertaking may be in the form of a recommendation.

II. Establishment of Machinery for Co-operation.

2. Do you consider that it should be provided in the international regulations that machinery for co-operation such as, for instance, works Committee, production committees, staff delegations, etc. should be established, either by agreement between the parties or by legislation, in order to promote a gradual rising of the conditions of work and life of the personnel and a continuous improvement in the organization of production. ? — Yes. The Industrial Disputes Act, 1947 makes provision for the formation of Works Committee.

III. Scope of the Regulations.

3. Do you consider that it should be provided in the International Regulations that machinery for co-operation should be established in all industrial and commercial establishments, public or private ordinarily employing at least fifty persons ? — The Industrial Disputes Act, 1947 provides for the establishment of Works Committees in undertakings employing more than 100 persons. The question of extending the scope of the provision for the undertakings employing 50 persons and more may be considered after watching

Works Committees to be formed in textile and other large undertakings.

IV. Appointment of Representatives of Personnel.

4.(a) Do you consider that it should be provided in the international regulations that the representatives of the personnel for the purpose of co-operation in the undertaking should be elected by the whole of the personnel by direct secret ballot or — Yes.

(b) Do you consider that the representatives of the personnel should be appointed by the representative organisations of the workers ? — Does not arise.

V. Composition of Representative Bodies.

5. Do you consider that it should be provided in the international regulations that the number of representatives of the personnel on the Committees or other bodies for co-operation in the undertaking should be proportionate to the number of persons employed therein ? — Yes.

6. Do you consider that it should be provided in the international regulations that the different categories of persons employed in the undertaking - manual workers, salaried employees, technicians - should be represented on the said Committee, &c. ? — Yes.

VI. Working of the Co-operation Machinery

7. Do you consider that it should be provided in the international regulations that the Committees or other bodies for co-operation in the undertaking should meet whenever they have urgent questions to consider and in any case not less than once a month. — Yes.

8. Do you consider that it should be provided in the international regulations that the said committees, etc. should be able to have the assistance of trade union representatives whenever their deliberations relate to matters for which such persons are competent ? — Yes. It is desirable to to insist on trade union representatives being workers in the undertakings concerned

9. Do you consider that it should be provided in the international regulations that appropriate action should be taken to secure close collaboration between the machinery for co-operation in the undertaking and the occupational organisations of the employers and workers concerned ? — Yes.

... .

p.t.o.

VII. Functions of the Co-operation Machinery.

10. Do you consider that it should be provided in the international regulations that the machinery for co-operation in the undertaking should have more particularly the following functions of a social character:

10 (a) to (e): Yes.

(a) to secure application of collective agreements, social legislation and regulations regarding health and safety;
(b) to give an opinion regarding the engagemen and dismissal of employees and their allocation to different jobs;

(c) to promote the vocational training of the different categories of employees;

(d) to set up and administer social schemes for the welfare of the employees and their families; and

(e) in general, to promote a good understanding between the management and the personnel.

11. Do you consider that it should be provided in the international regulations that the machinery for co-operation in the undertaking should have more particularly the following functions of an economic character ?

11 (a) to (d): Yes.

(a) to inform the personnel regarding the economic and technical situation of the undertaking;

(b) to study any suggestions put forward by the management or by the personnel with the object of raising the level of production or improving the efficiency of the undertaking;

(c) to propose to the management the rewards to be granted to the employees whose suggestions have been effectively applied;

(d) to study the methods of production used in the undertaking and to make proposals to the management regarding the best utilisation of its material and human resources.

VIII Obligations of the Management.

12. Do you consider that it should be provided in the International regulations that the management of an undertaking should be required:

12 (a) to (e): Yes.

(a) to place at the disposal of the Committees or other bodies for co-operation in the undertaking the promises, material, and in appropriate cases the staff essential to its meetings or indispensable for its secretariat;

(b) to allow the representatives of the personnel the time required for performance of their functions as such and to remunerate them for this time as hours of work;

(c).....

12.(c) to consult the said Committees, etc. on questions concerning the organization and general conduct of the undertaking;

(d) to inform the said committees, etc. at regular intervals, but at least once a year, regarding the activity of the undertaking and the plans for the coming twelve months; yes.

(e) where the undertaking is a limited company, to submit to the said committees, etc. the same documents as are submitted to the general meeting and more particularly the annual balance sheet and the profit and loss account ?

IX. Obligations of Representatives of the Personnel.

13. Do you consider that it should be provided in the international regulations that the representatives of the personnel chosen for co-operation should be required, within the limits laid down by national legislation and to disclose confidential information which may be communicated to them by the management ? Yes.

14. Do you consider that it should be provided in the international regulations that the representatives of the personnel should be required to give an account of their activity to the whole personnel at regular intervals but at least once a year ? Yes.

X. Protection of the Representatives of the Personnel

15. Do you consider that it should be provided in the international regulations that appropriate action should be taken to ensure that the representatives of the personnel are adequately protected in the performance of their instructions ? Yes.

XI. Application of the International Regulations.

16. Do you consider that the international regulations should provide that effect may be given to their provisions:

(a) by means of legislation ?

(b) by means of collective agreements ? It is desirable to give effect to the provisions in the regulations by means of legislation as it will be difficult to secure collective agreements.

17. If the reply to question 16(b) is in the affirmative, do you consider that the international regulations should provide that States should be required to communicate to the Director-General of the International Labour Office Information regarding the measures on the strength of which the regulations are applied, and particularly data regarding the measures on the strength of which the regulations are applied, and particularly data regarding all collective agreements through which effect is given to the regulations regarding the number of undertakings having such mac-hinery for co-operation, the number of persons employed in these undertakings and the Does not arise.

and the distribution of the co-operation machinery by industry or occupation ?

18. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation in the undertaking which has not been mentioned in the present questionnaire ? — No.

CO-OPERATION AT THE LEVEL OF THE INDUSTRY.

I. Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation at the level of the industry, in the form of a Recommendation ? — Yes.

II. Establishment of National Industrial Boards

2.(a) Do you consider that it should be recommended in the international regulations that joint national boards should be established on a permanent basis in the different branches of industry, and commerce, either by agreement between the employers' and workers' organisations concerned or by legislation? — It will not be practicable to have joint national boards for each industry except for large scale industries like textiles, plantations etc.

(b) Do you consider that where there are several representative organizations of employers and of workers in the branch concerned, the prosecution of the workers on the board should be proportionate to the membership of such organizations ? — It is not easy to ascertain correctly the membership of national organizations of workers. The problem of consulting representatives in proportion to membership of such organizations is a very difficult one and special measures by legislation will be necessary to verify the claims of each national organisation before proportionate representation is given. Till such time the Government will have to consult representatives of all important national organizations.

III. Functions of National Industrial Boards.

3. Do you consider that it should be recommended that the national industrial boards should have the functions of taking all appropriate action:

(a) to raise the standard of life of the workers; — Yes

(b) to increase the level of production and the efficiency of the industry: and

(c) in general, to examine the social, technical and economic problems of the industry or trade concerned ?

4. Do you consider that it should be recommended in the international regulations that the national industrial ~~xxxxxxxxx~~ boards should have the power to submit to the competent authorities opinions or recommendations on all questions of an economic or social character falling within their terms of reference ?

Yes.

IV. Co-operation in Nationalized Industries and those established in the Public Services.

5. Do you consider that it should be recommended in the international regulations that, where certain branches of economy have been nationalized, or established in the public services, all appropriate action should be taken to ensure close and permanent co-operation between the authorities responsible for the administration of the nationalized industries and the workers' Organisations concerned ?

Yes.

6. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation at the level of the industry which has not been mentioned in the present questionnaire ?

No remarks

III. CO-OPERATION AT THE NATIONAL LEVEL.

I. Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation at the national level, in the form of a Recommendation ?

Yes.

II. Consultation of Employers' and Workers' Organisation

2. Do you consider that it should be provided in the international regulations that the employers' and workers' organizations should be consulted during the preparation of economic and social measures of National scope ?

Yes. The Government generally resort to legislation only after previous publication and consultation of employers and workers organizations.

III. Establishment of Machinery for Co-operation at the National Level:

3. Do you consider that the international regulations should recommend the establishment, by legislative or other means, of national advisory councils of a social and economic character as for instance, national economic councils, national labour councils, etc. ?

Yes. The Government of India have already formed national economic Committees and national tripartite labour organizations.

4. Do you consider that it should be provided in a Recommendation that the national advisory councils should include among their members an equal number of employers' and workers representatives either nominated directly by the representative organizations of employers and workers, or appointed by the competent authorities on the basis of proposals from those organizations ?

Yes.

p.t.o.

IV. Functions of National Advisory Councils.

5. Do you consider that it should be provided in a Recommendation that the national advisory councils should have more ~~xxx~~ particularly the following functions:	
(a) to study social and economic questions falling within their terms of reference, ~~xxxxxx~~ undertake the necessary investigations to this effect, and submit their opinions and recommendations to the competent authorities ?	Yes. The Govt. of India generally consult the Tripartite Labour conference on matters affecting Labour and Labour Organisations.
(b) to give a previous opinion on proposed legislation of an economic or social character falling within their terms of reference, and on proposed regulations to apply such legislation ?	
6. Do you consider that it should be provided in a Recommendation that the competent authorities should be required to submit to the national advisory councils, for their opinion, proposed legislation of an economic or social character falling within their terms of reference, and proposed regulations to apply such legislation ?	Y e s

V. Participation in Administration of Social Institutions.

7. Do you consider that it should be provided in a Recommendation that the employers' and Workers' organisations should be associated in the administration of national institutions, such as those responsible for social security, organization of employment, industrial health and safety, and other forms of labour welfare ?	Y e s.
8. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation at the national level which has not been mentioned in the present questionnaire ?	No special remarks.

(True copy)

Superintendent,
Madras Record Office.

aj/22.7